

H1
Concl

23. (Thrice amended) A recombinant DNA construct comprising a vector containing an isolated and purified superantigen toxin DNA fragment encoding Staphylococcal enterotoxin B (SEB), wherein said DNA fragment has the sequence according to sequence of SEQ ID NO:9.

H2

110. (Amended) An isolated and purified superantigen toxin DNA fragment encoding Staphylococcal enterotoxin B (SEB), wherein said DNA fragment comprises the sequences according to sequence of SEQ ID NO:5 and SEQ ID: NO 6, in which Staphylococcal enterotoxin B the amino acids at positions 18-28, 55-65, and 205-215 of SEB have been altered such that binding of said encoded SEB to the MHC class II receptor and T cell antigen receptor is altered.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

With the entry of this amendment, claims 1, 4-6, 12-14, 18, 21-23, 29-31, 37-39, 43, 44, 47-49, 53, 56-58, 62, 65-67 and 110 are pending. By the above amendments, we have amended claims 21-23 in a non-substantive way to address the Examiner's concerns under 35 U.S.C. §112, second paragraph. We have amended claim 110 to address the Examiner's concerns under 35 U.S.C. §112, first paragraph, and support for this amendment is found in the specification in SEQ ID:Nos 5 and 6. No new matter is introduced via these amendments to the claims, and entry and consideration are respectfully requested.

In the June 28, Office Action, the Examiner rejected claims 1, 18, 43, 44, 53, 62 and 110 under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the invention at the time the application was filed.